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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,515	10/26/2001	Donald H. Lindsey III	82520DAN	8321

7590

01/15/2004

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EXAMINER

HUYNH, LOUIS K

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/016,515

**Applicant(s)**

LINDSEY ET AL.

**Examiner**

Louis K. Huynh

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 12-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restrictions*

1. Claims 1-44 are pending in the present application. Claims 12-43 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Claims 1-11 and 44 were elected without traverse in Paper No. 6.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 44 is rejected under 35 U.S.C. 102(e) as being anticipated by Beggiao (US 6,499,892).

Beggiao discloses a method for assembling a photofinishing customer order including the steps of: associating a customer order identification with the customer order using a pallet (510) (column 13, line 64-column 14, line 2); automatically dispensing at least one first component (cut prints) onto one of a plurality first conveyors (610-640) to form an order group based on the processing information of the customer order on the one first conveyor; conveying the order group to a second conveyor (500) and depositing the group of prints onto the pallet (510) on the second conveyor (500) (column 14, lines 5-10); automatically dispensing an additional item such as CDs, advertisement materials, index prints, etc. from a dispenser (645) onto the pallet (510) on the second conveyor (500) (column 15, lines 9-11) to create an assembled product group; and

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inserting the assembled product group on the pallet into an envelope (650) using an automatic packaging machine (column 14, lines 10-16).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beggiao (US 6,499,892) in view of Van de Ven et al. (US 5,414,974).

Beggiao discloses a method for assembling a photofinishing customer order including the steps of: associating a customer order identification with the customer order using a pallet (510) (column 13, line 64-column 14, line 2); automatically dispensing at least one first component (cut prints) onto a first conveyors (640) to form an order group based on the processing information of the customer order on the first conveyor; conveying the order group to a second conveyor (500) and depositing the group of prints onto the pallet (510) on the second conveyor (500) (column 14, lines 5-10); automatically dispensing an additional item such as CDs, advertisement materials, index prints, etc. from a dispenser (645) onto the pallet (510) on the second conveyor (500) (column 15, lines 9-11) to create an assembled product group; and conveying the assembled product group to an automatic packaging machine (column 14, lines 10-16). The method of Beggiao meets all of applicant's claimed subject matter but lacks the specific teaching of shrink wrapping the assembled product group.

However, Van de Ven discloses a method of assembling printed documents wherein the assembled documents are shrink wrapped through a heat tunnel (30) in order to maintain the documents in an integral bundle or package.

Therefore, it would have been obvious to a person with an ordinary skill in the art, at the time the invention was made, to have modified the method of Beggiao by having provided a step of shrink wrapping through a heat tunnel as the packaging step, as taught by Van de Ven, in order to maintain the assembled product group in an integral bundle prior to shipping to a photo shop or to the customer.

With respect to claim 7, Beggiao discloses an embodiment of Figure 4 wherein a plurality of the first type of component such as wallet, negative film web, cut prints, etc. being dispensed at different points along a conveyor (550) to form an assembled product group prior to transfer the assembled product group to a second conveyor for further processing. It would have been obvious to an ordinary skilled person in the art, at the time the invention was made, to have modified the method of Beggiao by having provided a plurality of dispensers along the first conveyor, as taught by Beggiao, in order to an assembled product group prior to transfer the assembled product group to a second conveyor for further processing.

With respect to claims 8-10, Beggiao discloses an embodiment of Figure 4 wherein a plurality of the first type of component such as wallet, negative film web including APS negative package since APS is widely used at the time of the invention, cut prints, etc. being dispensed onto a first conveyor (550) but does not disclose the exact order of the dispensed items; however, the order in which the first type of component are dispensed is obvious to an ordinary skilled person in the as a matter of engineering choice since it does not solve any stated problem insofar

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as the record is concerned and thus does not patentably distinguish the claimed invention over the applied prior art. The method of Beggiao meets all of applicant's claimed subject matter but lacks the specific teaching of a step of banding the cut prints; however, banding the cut prints is well known in the art as a common knowledge in order to keep the individual prints together and to reinforce the prints themselves; therefore, it would have been obvious to an ordinary skilled person in the art, at the time the invention was made, to have modified the method of Beggiao by having provided the step of banding the cut prints in order to keep the individual prints together and to reinforce the prints themselves from being damaged during the handling process.

***Response to Arguments***

6. Applicant's arguments filed August 27, 2003 (Paper No. 8) have been fully considered but they are not persuasive.

With respect to claim 44, applicant contends that the cutter (640) of Beggiao does not form an order group prior to the product being provided onto the second conveyor (500); more specifically, Beggiao does not show or suggest the concept of forming an order group on a first conveyor and conveying the order group from the first conveyor to a second conveyor. This is not found persuasive because the cutter (640) in the Beggiao reference is a standard high speed print line which includes a cutter, a sorter and a stacker for forming an order group of cut prints (column 12, line 24 – column 13, line 36). Moreover, Beggiao discloses that the cut prints film handler is placed to receive the entire film cut in sections from the stacker and to modify it in orientation according to the needs of the next unit, e.g. the pallet interface (column 13, lines 37-40). Thus, the Beggiao reference does teach the concept of forming an order group on a first

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conveyor and conveying the order group from the first conveyor to a second conveyor as claimed.

With respect to claim 1, applicant contends that Van de Ven does not teach shrink wrapping in the environment of the present invention where the multiple types of photofinishing products including photographic products are shrink wrapped to form an assembled product group. This is not found persuasive because Van de Ven teaches a method of shrink wrapping stack of printed products to form a bundle of individual printed documents, and printed documents are also photographic products; therefore, the shrink wrapping method of Van de Ven is considered to be in the same environment.

#### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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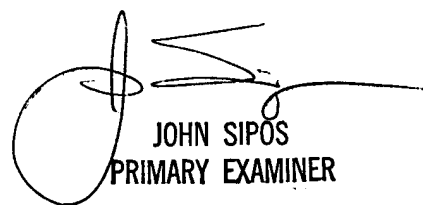
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (703) 306-5694.

The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

LH  
January 13, 2004



JOHN SIPOS  
PRIMARY EXAMINER